

Application No.: 10/518,284

Docket No.: XENOCs 3.3-002

IN THE DRAWINGS

The term "Prior Art" has been added to FIGS. 1 and 2 of drawing sheet 1/4.

Attachment: Replacement Sheet 1/4

REMARKS

The present amendment is responsive to the Office Action dated June 26, 2007. Claim 12 has been amended. No new matter has been introduced by this amendment. Claims 1-17 are thus presented again for consideration by the Examiner in view of the following remarks. A petition for a one-month extension of time is submitted herewith along with a terminal disclaimer.

FIGS. 1 and 2 were objected to because they did not expressly indicate "prior art". As indicated above, a replacement sheet is submitted herewith (sheet 1/4) in which the label "Prior Art" has been added to these two figures. In view of this, applicants respectfully request that the objection to the drawings be withdrawn.

The specification has been objected to in view of the guidelines set forth in 37 C.F.R. § 1.77(b). A substitute specification is submitted herewith in both clean and marked-up versions. No new matter has been introduced by the substitute specification. In view of this, applicants respectfully request that the objection to the specification be withdrawn.

Claim 12 was rejected under 35 U.S.C. § 112, ¶ as being indefinite due to the term "a few." This claim has been amended to recite "The optical device according to claim 1, wherein the optical element of the optical device has a length of around 2 cm, said optical device being usable with a source of X-rays having a size of around 40 microns by 40 microns in order to produce a sample spot of around 300*300 microns." Therefore, applicants respectfully request that the rejection be withdrawn.

Finally, claims 1-17 were provisionally rejected on the ground of nonstatutory obviousness-type double patenting over claims of co-pending Application No. 10/506,716 in view of U.S. Patent No. 5,373,544 ("Goebel"). In order to overcome this


rejection, applicants submit herewith a terminal disclaimer. Therefore, applicants respectfully request that the rejection be withdrawn.

As it is believed that all of the rejections set forth in the Office Action have been fully met, favorable reconsideration and allowance are earnestly solicited.

If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that the Examiner telephone applicants' attorney at (908) 654-5000 in order to overcome any additional objections which he might have. If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

Dated: October 19, 2007

Respectfully submitted,

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